

United States District Court
Central District of California

KEITH GRIEGO,
Plaintiff,

v.
OTIS JACKSON, JR. et al.,
Defendants.

Case No. 2:24-cv-03260-ODW (PVCx)

**ORDER DENYING DEFENDANT’S
MOTION FOR ATTORNEYS’ FEES
AND COSTS WITHOUT PREJUDICE
[63]**

Following the Court’s entry of judgment, (ECF No. 56), Plaintiff Keith Griego appealed to the Ninth Circuit, (ECF No. 59). Defendants Rapp Cats LLC now moves to recover their attorneys’ fees. (Mot. Att’y Fees (“Mot”), ECF No. 63.)

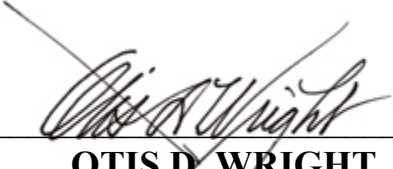
When an appeal on the merits is filed, a district court has discretion to rule on a claim for fees, defer its ruling on the motion, or deny the motion without prejudice and direct a new filing period for filing after the claim has been resolved. Fed. R. Civ. P. 54(d)(2), Advisory Committee Notes (1993 Amendment); *Dufour v. Allen*, No. 2:14-cv-5616 CAS (SSx), 2015 WL 12819170, at *2 (C.D. Cal. Jan. 26, 2015) (“[A] district court has the discretion to defer consideration of an attorneys’ fee motion until resolution of the underlying case’s appeal.”). “Particularly if the claim for fees involves substantial issues or is likely to be affected by the appellate decision,

1 the district court may prefer to defer consideration of the claim for fees until after the
2 appeal is resolved.” Fed. R. Civ. P. 58, Advisory Committee Notes (1993
3 Amendment). “District courts have exercised their discretion to defer ruling on a
4 motion for attorneys’ fees, or to deny the motion without prejudice to being renewed
5 following disposition of the appeal.” *Pacing Techs., LLC v. Garmin Int’l, Inc.*,
6 No. 12-cv-1067-BEN (JLB), 2014 WL 2872219, at *2 (S.D. Cal. June 24, 2014).

7 Given the nature of Plaintiff’s appeal, and upon consideration of Defendant’s
8 Motions for Attorney Fees, (ECF No. 63), the Court **DENIES WITHOUT**
9 **PREJUDICE** Defendant’s Motion. Defendant may renew its motion **within 30 days**
10 **of the entry of the Ninth Circuit’s Mandate on the pending appeal.**

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12 **IT IS SO ORDERED.**

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14 February 12, 2025

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17 **OTIS D. WRIGHT, II**
18 **UNITED STATES DISTRICT JUDGE**
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